

Regular Session, 2010

ACT No. 633

HOUSE BILL NO. 787

BY REPRESENTATIVE FANNIN

1 AN ACT

2 To amend and reenact R.S. 39:94(C)(4)(a) and R.S. 51:2365(D) and to enact R.S.
3 47:6007(C)(7) and R.S. 51:2361(C) and 2365(G), relative to state funds; to provide
4 for the determination of state revenue receipts for purposes of the Budget
5 Stabilization Fund; to provide for the transfer, dedication, use, and appropriations as
6 specified of certain treasury funds; to provide for the Louisiana Filmmakers Grant
7 Program; to provide for the creation of the Louisiana Filmmakers Grant Fund; to
8 provide relative to the Rapid Response Fund and legislative notice of economic
9 development projects; to provide relative to the Louisiana Mega-Project
10 Development Fund and legislative notice of economic development projects; to
11 provide for an effective date; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 39:94(C)(4)(a) is hereby amended and reenacted to read as follows:
14 §94. Budget Stabilization Fund

15 * * *

16 C. The money in the fund shall not be available for appropriation except
17 under the following conditions:

18 * * *

19 (4)(a) No appropriation or deposit to the fund shall be made if such
20 appropriation or deposit would cause the balance in the fund to exceed four percent
21 of total state revenue receipts for the previous fiscal year. For the purposes of this
22 Section, total state revenue receipts shall not include any monies received by the

1 state from the Federal Emergency Management ~~Administration~~ Agency or other
2 ~~federal~~ sources providing disaster relief assistance.

3 * * *

4 Section 2. R.S. 47:6007(C)(7) is hereby enacted to read as follows:

5 §6007. Motion picture investor tax credit

6 * * *

7 C. Investor tax credit; specific productions and projects.

8 * * *

9 (7)(a) The processing fee provided for in Subparagraph (4)(b) of this
10 Subsection received by the office shall be deposited upon receipt in the state
11 treasury. After compliance with the requirements of Article VII, Section 9(B) of the
12 Constitution of Louisiana relative to the Bond Security and Redemption Fund and
13 prior to any money being placed into the state general fund or any other fund, an
14 amount equal to that deposited as required by this Paragraph shall be credited by the
15 treasurer to a special fund hereby created in the state treasury to be known as the
16 Louisiana Filmmakers Grant Fund. The money in the fund shall be appropriated by
17 the legislature to be used solely for the support of Louisiana's independent
18 filmmakers through the Louisiana Filmmakers Grant Program.

19 (b) The money in the fund shall be invested by the treasurer in the same
20 manner as money in the state general fund and interest earned on the investment of
21 the money shall be credited to the fund after compliance with the requirements of
22 Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
23 Security and Redemption Fund. All unexpended and unencumbered money in the
24 fund at the end of the year shall remain in the fund.

25 (c) The office shall administer the Louisiana Filmmakers Grant Program in
26 accordance with rules adopted by the office in accordance with the Administrative
27 Procedure Act. The office shall award grants to filmmakers domiciled in Louisiana
28 who make a film in Louisiana, the total cost of which film shall not exceed three

hundred thousand dollars. The maximum amount of any grant shall not exceed the lesser of fifty percent of the total cost of the film or one hundred thousand dollars.

* * *

Section 3. R.S. 51:2365(D) is hereby amended and reenacted and R.S. 51:2361(C) and 2365(G) are hereby enacted to read as follows:

§2361. Rapid Response Fund

* * *

C. At the same time as the secretary submits to the official journal for the state a notice containing general information regarding active negotiations for an economic development project which is eligible for funding from the fund, which active negotiations the secretary desires to keep confidential as provided in R.S. 44:22, upon request by a member of the legislature in whose legislative district a project is located, the secretary may provide information regarding the project if the member submits his signature under oath that all information shall remain confidential and privileged.

* * *

§2365. Louisiana Mega-Project Development Fund

* * *

D. Monies in the fund shall be available for appropriation for general purposes ~~to~~ and for use by the Department of Economic Development, hereinafter referred to as the "department". Such appropriations shall be used by the secretary of the department for immediate funding of all or a portion of economic development mega-projects which may be necessary in order to successfully secure the creation or retention of jobs by a business entity under such circumstances as established by this Part. The secretary shall report to the Joint Legislative Committee on the Budget twice yearly, on the first day of October and the first day of April, with respect to all actual expenditures of monies appropriated from the fund. The secretary shall include in these reports any other information which the committee may require with respect to use of monies appropriated from the fund.

* * *

1 G. At the same time as the secretary submits to the official journal for the
2 state a notice containing general information regarding active negotiations for an
3 economic development mega-project which is eligible for funding from the fund,
4 which active negotiations the secretary desires to keep confidential as provided in
5 R.S. 44:22, upon request by a member of the legislature in whose legislative district
6 a project is located, the secretary may provide information regarding the project if
7 the member submits his signature under oath that all information shall remain
8 confidential and privileged.

9 Section 4. The state treasurer is hereby authorized and directed to transfer Three
10 Million Nine Hundred Fifty Thousand Dollars from the Incentive Fund to be deposited to
11 and credited in the state general fund.

12 Section 5. Notwithstanding any provision of law to the contrary, the state treasurer
13 shall not include unexpended and unencumbered monies in the Rapid Response Fund at the
14 end of the 2009-2010 Fiscal Year in the determination of the unencumbered balance of the
15 fund for purposes of determining the amount to be deposited into the fund at the beginning
16 of the fiscal year pursuant to R.S. 51:2361(A)(2).

17 Section 6. Notwithstanding any provision of law to the contrary, the state treasurer
18 is hereby authorized and directed to transfer Two Million Nine Hundred Fifty-Seven
19 Thousand Three Hundred Seventy-Seven Dollars from the Small Business Surety Bonding
20 Fund to the Louisiana Economic Development Fund.

21 Section 7. After satisfying the requirements of the Bond Security and Redemption
22 Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the
23 requirements of R.S. 46:440.1, relative to the Medical Assistance Programs Fraud Detection
24 Fund, and the requirements of R.S. 49:259, relative to the Department of Justice Legal
25 Support Fund, and after deposit into the state general fund, the treasurer shall transfer into
26 the Overcollections Fund provided for in R.S. 39:100.21, an amount equal to the proceeds
27 recovered by the Attorney General on behalf of the State from the Eli Lilly and Company
28 Consent Judgment. To the extent that in satisfying the requirements of R.S. 49:259, any
29 monies from this Consent Judgment are paid into the Department of Justice Legal Support

1 Fund, a like amount shall be transferred from the Department of Justice Legal Support Fund
2 into the Overcollections Fund.

3 Section 8. As authorized by Article VII, Section 10.7(C) of the Constitution of
4 Louisiana, the balance of the Oil Spill Contingency Fund shall not be limited during an
5 emergency or declared disaster. In addition, notwithstanding the provisions of RS 30:2486,
6 the seven million dollar cap relative to the collections of fees shall not be in place during an
7 emergency or declared disaster. In addition, notwithstanding the provisions of R.S. 30:2484,
8 the six hundred thousand dollar caps in paragraph A(1) relative to administrative and
9 personnel expenses, and A(7) relative to the payment of operating costs and contracts of the
10 office of the coordinator shall not be in place during an emergency or declared disaster.

11 Section 9. Notwithstanding any provision of law to the contrary, the treasurer is
12 authorized and directed to transfer the following amounts into the state general fund from
13 the funds specified below:

14 (1) Forty-five Thousand One Hundred Fifty-five Dollars from the Administration
15 Fund of the Department of Insurance.

16 (2) Seventy-one Thousand Six Hundred Fifty-seven Dollars from the Archaeological
17 Curation Fund.

18 (3) Four Hundred Fifty-five Dollars from the Audubon Golf Trail Development
19 Fund.

20 (4) Twelve Thousand One Hundred Fifty Dollars from the Automobile Theft and
21 Insurance Fraud Prevention Authority Fund.

22 (5) Six Hundred Ninety Dollars from the Casino Gaming Proceeds Fund.

23 (6) One Hundred Thirty-one Thousand Nine Hundred Seventy-seven Dollars from
24 the Community Water Enrichment Fund.

25 (7) One Million Fifty Thousand Dollars from the Concealed Handgun Permit Fund.

26 (8) Three Hundred Eighty-Five Thousand Three Hundred Fifty Dollars from the
27 Employment Security Administration Account.

28 (9) Twenty-nine Thousand Nine Hundred Ninety-four Dollars from the
29 Entertainment Promotion and Marketing Fund.

1 (10) One Hundred Ten Thousand Dollars from the Explosives Trust Fund.

2 (11) One Thousand Twelve Dollars from the Fish and Wildlife Violations Reward.

3 (12) One Hundred Thirty-two Thousand Nine Hundred Twenty-one Dollars from
4 the Fraud Detection Fund.

5 (13) Ninety-five Dollars from the General Aviation and Reliever Airport Grant
6 Program Fund.

7 (14) One Million Dollars from the Hazardous Materials Emergency Response Fund.

8 (15) Eighty-nine Thousand Three Hundred Thirty-one Dollars from the Insurance
9 Fraud Investigation Fund.

10 (16) One Thousand One Hundred Twenty-five Dollars from the Keep Louisiana
11 Beautiful Fund.

12 (17) Ten Thousand Five Hundred Ninety-five Dollars from the Louisiana
13 Interoperability Communications Fund.

14 (18) Four Hundred Twenty-nine Thousand Two Hundred One Dollars from the
15 Louisiana Life Safety and Property Protection Trust Fund.

16 (19) Seventy Thousand Nine Hundred Ninety-one Dollars from the Lead Hazard
17 Reduction Fund.

18 (20) Two Hundred Thirty-nine Thousand Three Hundred Forty-four Dollars from
19 the Louisiana Environmental Education Fund.

20 (21) Five Million Four Hundred Twenty-three Thousand Four Hundred Two Dollars
21 from the Louisiana Fire Marshal Fund.

22 (22) Two Hundred Eighty-five Thousand Nine Hundred Seventy-two Dollars from
23 the Louisiana Help Our Wildlife Fund.

24 (23) One Million Two Hundred Two Thousand Three Hundred Ninety-two Dollars
25 from the Louisiana Public Defender Fund.

26 (24) Five Hundred Thirty Dollars from the Manufactured and Mobile Home
27 Settlement Fund.

28 (25) Four Hundred Seventy-four Thousand One Hundred Sixty-one Dollars from the
29 Motor Carrier Regulation Fund.

1 (26) One Hundred Sixty-three Thousand Eight Hundred Seventy-five Dollars from
2 the Municipal Fire and Police Civil Service Operating Fund.

3 (27) Two Hundred Thousand Dollars from the Public Safety DWI Testing,
4 Maintenance, and Training Fund.

5 (28) One Thousand Nine Hundred Sixty-five Dollars from the Pet Overpopulation
6 Fund.

7 (29) Eleven Thousand Five Hundred Eighty-two Dollars from the Reptile and
8 Amphibian Research Fund.

9 (30) Two Hundred Thousand Dollars from the Right to Know Fund.

10 (31) Thirty-one Thousand Five Hundred Twenty-one Dollars from the Rural
11 Development Fund.

12 (32) One Hundred Thirteen Thousand Four Hundred Thirty Dollars from the
13 Saltwater Fishery Enforcement Account.

14 (33) Eleven Thousand Two Hundred Forty-eight Dollars from the Scenic Rivers
15 Fund.

16 (34) Seventy-seven Dollars from the School and District Accountability Rewards
17 Fund.

18 (35) Three Million Dollars from the Louisiana State Parks Improvement and Repair
19 Fund.

20 (36) Forty-one Thousand Eight Hundred Seventy-six Dollars from the Teacher
21 Education Aid for Children Fund.

22 (37) Two Hundred Seven Thousand Five Hundred Seventy-two Dollars from the
23 Telephonic Solicitation Relief Fund.

24 (38) Twenty-one Thousand Four Hundred Thirty-six Dollars from the Tobacco
25 Regulation Enforcement Fund.

26 (39) One Hundred Three Thousand Seven Hundred Twenty-two Dollars from the
27 Underground Damages Prevention Fund.

28 (40) One Million Eighty-eight Thousand Nine Hundred Nineteen Dollars from the
29 Unified Carrier Registration Agreement Fund.

1 (41) Three Million Eight Hundred Twenty-six Thousand One Hundred Ninety-eight
2 Dollars from the Utility and Carrier Inspection and Supervision Fund.

3 (42) Sixty-seven Thousand Four Hundred Dollars from the Variable Earnings
4 Transaction Fund.

5 (43) One Hundred Sixteen Thousand Sixty-seven Dollars from the Incentive Fund.

6 Section 10. The state treasurer is hereby authorized and directed to transfer Four
7 Million Dollars from the State General Fund to the Health Care Redesign Fund.

8 Section 11. Notwithstanding any provision of law to the contrary, including Act 519
9 of 2009, after the secretary retains an amount equal to the costs for contractual information
10 technology and amnesty program administration services, an amount equal to any collection
11 fees, legal fees, or other fees the Department of Revenue incurred that are associated with
12 granting amnesty, and an amount for advertising expenses, and after satisfying the
13 requirements of the Bond Security and Redemption Fund, the state treasurer is authorized
14 and directed to transfer from the monies collected pursuant to Act 519 of the 2009 Regular
15 Session, the first two hundred seventeen million dollars for deposit to the Coastal Protection
16 and Restoration Fund. The treasurer shall next transfer to the Budget Stabilization Fund an
17 amount not to exceed a total of seventy-four million seven hundred eleven thousand three
18 hundred eighty-three dollars. The state treasurer is directed to transfer all remaining monies
19 for deposit in the State General Fund.

20 Section 12. The state treasurer is hereby authorized and directed to transfer Sixty-
21 three Million Dollars from the State Emergency Response Fund into the state general fund.

22 Section 13. The state treasurer is hereby authorized and directed to transfer One
23 Hundred Fifteen Million Dollars from the balance of State General Fund (Direct) previously
24 allocated under the authority of Act 203 of 2007 for the Highway Program (Statewide) to
25 the Coastal Protection and Restoration Fund.

26 Section 14. The state treasurer is hereby authorized and directed to transfer Two
27 Hundred Forty-two Million Dollars from the Coastal Protection and Restoration Fund to the
28 Overcollections Fund.

1 Section 15. The state treasurer is hereby authorized and directed to transfer Sixty-
2 seven Million One Hundred Fifty-six Thousand Four Dollars from the State Emergency
3 Response Fund to the Overcollections Fund.

4 Section 16. The state treasurer is hereby authorized and directed to transfer Seventy-
5 six Million Dollars from State General Fund (Direct) to the Coastal Protection and
6 Restoration Fund to be comprised wholly of cash recognized from the Fiscal Year 2009 year
7 end surplus and available for appropriation by the Revenue Estimating Conference.

8 Section 17. The state treasurer is hereby authorized and directed to transfer Seventy-
9 six Million Dollars from the Coastal Protection and Restoration fund to the Overcollections
10 Fund.

11 Section 18. The state treasurer is hereby authorized and directed to transfer Five
12 Hundred Thousand Dollars from the State General Fund to the Overcollections Fund.

13 Section 19. The state treasurer is hereby authorized and directed to transfer Eight
14 Million Dollars from the balance of the State General Fund (Direct) non-recurring revenues
15 previously allocated under the authority of Act 7 of the 2008 Second Extraordinary Session
16 of the Legislature for the Pennington Biomedical Research Center to the Coastal Protection
17 and Restoration Fund.

18 Section 20. The state treasurer is hereby authorized and directed to transfer Eight
19 Million Dollars from the Coastal Protection and Restoration Fund to the Overcollections
20 Fund.

21 Section 21. Sections 2, 3, 4, 5, 6, 15, 16, and 17 of this Act shall become effective
22 on July 1, 2010; if vetoed by the governor and subsequently approved by the legislature,
23 Sections 2, 3, 4, 5, 6, 15, 16, and 17 of this Act shall become effective on July 1, 2010, or
24 on the day following such approval by the legislature, whichever is later.

25 Section 22. Sections 1, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, and 22 of this Act
26 shall become effective upon signature of this Act by the governor or, if not signed by the
27 governor, upon expiration of the time for bills to become law without signature by the
28 governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act
29 is vetoed by the governor and subsequently approved by the legislature, Sections 1, 7, 8, 9,

1 10, 11, 12, 13, 14, 18, 19, 20, 21, and 22 of this Act shall become effective on the day
2 following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____